

SENATE MOTION

MR. PRESIDENT:

I move that Engrossed House Bill 1207 be amended to read as follows:

- 1 Page 2, between lines 19 and 20, begin a new paragraph and insert:
2 "SECTION 2. IC 16-18-2-337.8 IS ADDED TO THE INDIANA
3 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
4 [EFFECTIVE JULY 1, 2001]: **Sec. 337.8. "Standard serological test**
5 **for HIV", for purposes of IC 16-41-6, has the meaning set forth in**
6 **IC 16-41-6-0.5."**
- 7 Page 3, between lines 7 and 8, begin a new paragraph and insert:
8 "SECTION 4. IC 16-41-6-0.5 IS ADDED TO THE INDIANA
9 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
10 [EFFECTIVE JULY 1, 2001]: **Sec. 0.5. As used in this chapter,**
11 **"standard serological test for HIV" means a test recognized by the**
12 **state department as a standard serological test for the antibody or**
13 **antigen to the human immunodeficiency virus (HIV)."**
- 14 Page 3, line 29, after "4" insert "**5, 6, or 7**".
- 15 Page 3, between lines 30 and 31, begin a new line block left and
16 insert:
17 **"The test for the antibody or antigen to HIV may not be performed**
18 **on a woman described in section 5, 6, or 7 of this chapter if the**
19 **woman refuses to consent to the test under section 5, 6, or 7 of this**
20 **chapter."**
- 21 Page 3, after line 32, begin a new paragraph and insert:
22 "SECTION 6. IC 16-41-6-4 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) Subject to
24 subsection ~~(e)~~, **(f)**, if:
25 (1) the mother of a newborn infant has not had a test performed
26 under ~~IC 16-41-6-2.5~~ **section 5, 6, or 7 of this chapter;**
27 (2) the mother of a newborn infant has refused a test for the
28 newborn infant to detect the human immunodeficiency virus HIV
29 or the antibody or antigen to HIV; and
30 (3) a physician believes that testing the newborn infant is
31 medically necessary;

1 the physician **overseeing the care of the newborn infant** may order
 2 a confidential test for the newborn infant in order to detect ~~the human~~
 3 ~~immunodeficiency virus~~ HIV or the antibody or antigen to HIV. The
 4 test must be ordered at the earliest feasible time not exceeding
 5 forty-eight (48) hours after the birth of the infant.

6 (b) If the physician orders a test under subsection (a), the physician
 7 must:

- 8 (1) notify the mother of the newborn infant of the test; and
 9 (2) provide ~~human immunodeficiency virus~~ HIV information and
 10 counseling to the mother. The information and counseling must
 11 include the following:
 12 (A) The purpose of the test.
 13 (B) The risks and benefits of the test.
 14 (C) A description of the methods of HIV transmission.
 15 (D) A discussion of risk reduction behavior modifications,
 16 including methods to reduce the risk of perinatal HIV
 17 transmission and HIV transmission through breast milk.
 18 (E) Referral information to other HIV prevention, health care,
 19 and psychosocial services.

20 (c) The confidentiality provisions of IC 16-41-2-3 apply to this
 21 section.

22 (d) The results of the confidential test ordered under subsection (a)
 23 must be released to the mother of the newborn infant.

24 (e) **If a test ordered under subsection (a) is positive, the**
 25 **physician who ordered the test shall inform the mother of the**
 26 **newborn infant of all treatment options available to the newborn**
 27 **infant.**

28 (f) ~~If the~~ a parent of the newborn infant objects in writing for
 29 reasons pertaining to religious beliefs, the newborn infant is exempt
 30 from the test under subsection (a).

31 (†) (g) The state department shall adopt rules under IC 4-22-2 to
 32 carry out this section.

33 (h) **The results of a test performed under this section are**
 34 **confidential.**

35 SECTION 7. IC 16-41-6-5 IS ADDED TO THE INDIANA CODE
 36 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 37 1, 2001]: **Sec. 5. (a) This section applies to:**

- 38 (1) **a physician licensed under IC 25-22.5; or**
 39 (2) **an advanced practice nurse licensed under IC 25-23;**
 40 **who provides prenatal care within the scope of the provider's**
 41 **license.**

42 (b) **Subject to subsection (c), an individual described in**
 43 **subsection (a) who:**

- 44 (1) **diagnoses a pregnancy of a woman; or**
 45 (2) **is primarily responsible for providing prenatal care to a**
 46 **pregnant woman;**

47 **shall take or cause to be taken a sample of the pregnant woman's**

1 blood and shall submit the sample to an approved laboratory for
2 a standard serological test for HIV.

3 (c) A pregnant woman has a right to refuse an HIV test under
4 this section. An individual described in subsection (a), or the
5 individual's designee, shall inform the pregnant woman that:

- 6 (1) the individual is required by law to order an HIV test
7 unless the pregnant woman refuses; and
8 (2) the pregnant woman has a right to refuse.

9 (d) An individual described in subsection (a), or the individual's
10 designee, shall:

- 11 (1) provide the pregnant woman with a description of the
12 methods of HIV transmission;
13 (2) discuss risk reduction behavior modifications with the
14 pregnant woman, including methods to reduce the risk of
15 perinatal HIV transmission and HIV transmission through
16 breast milk;
17 (3) provide the pregnant woman with referral information to
18 other HIV prevention, health care, and psychosocial services;
19 and
20 (4) explain to the pregnant woman:
21 (A) the purpose of the test; and
22 (B) the risks and benefits of the test.

23 (e) An individual described in subsection (a) shall document in
24 the pregnant woman's medical records that the pregnant woman
25 received the information required under subsections (c) and (d).

26 (f) If a pregnant woman refuses to consent to an HIV test under
27 this section, the refusal must be noted in the pregnant woman's
28 medical records.

29 (g) If a test ordered under subsection (b) is positive, the
30 individual described in subsection (a) who ordered the test shall
31 inform the pregnant woman of all treatment options available to
32 her and the prognostic implications of the disease.

33 (h) The confidentiality provisions of IC 16-41-2-3 apply to this
34 section.

35 (i) The results of a test performed under this section are
36 confidential.

37 SECTION 8. IC 16-41-6-6 IS ADDED TO THE INDIANA CODE
38 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
39 1, 2001]: Sec. 6. (a) Subject to subsection (b), an individual other
40 than a physician who is permitted by law to attend a pregnant
41 woman, but who is not permitted by law to take blood specimens,
42 shall cause a sample of the pregnant woman's blood to be taken by
43 or under the direction of a licensed physician, who shall submit the
44 sample to an approved laboratory for a standard serological test
45 for HIV.

46 (b) A pregnant woman has a right to refuse an HIV test under
47 this section. The individual who attends the pregnant woman under
48 subsection (a) shall inform the pregnant woman that:

1 (1) the individual is required by law to request that a
 2 physician order an HIV test unless the pregnant woman
 3 refuses; and

4 (2) the pregnant woman has a right to refuse.

5 (c) The individual who attends the pregnant woman under
 6 subsection (a) shall:

7 (1) provide the pregnant woman with a description of the
 8 methods of HIV transmission;

9 (2) discuss risk reduction behavior modifications with the
 10 pregnant woman, including methods to reduce the risk of
 11 perinatal HIV transmission and HIV transmission through
 12 breast milk;

13 (3) provide the pregnant woman with referral information to
 14 other HIV prevention, health care, and psychosocial services;
 15 and

16 (4) explain to the pregnant woman:

17 (A) the purpose of the test; and

18 (B) the risks and benefits of the test.

19 (d) The individual who attends the pregnant woman under
 20 subsection (a) shall document in the pregnant woman's medical
 21 records that the pregnant woman received the information
 22 required under subsections (b) and (c).

23 (e) If a pregnant woman refuses to consent to an HIV test under
 24 this section, the refusal must be noted in the pregnant woman's
 25 medical records.

26 (f) If a test ordered under subsection (a) is positive, the
 27 individual who attends the pregnant woman shall inform the
 28 pregnant woman of all treatment options available to her and the
 29 prognostic implications of the disease.

30 (g) The confidentiality provisions of IC 16-41-2-3 apply to this
 31 section.

32 (h) The results of a test performed under this section are
 33 confidential.

34 SECTION 9. IC 16-41-6-7 IS ADDED TO THE INDIANA CODE
 35 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 36 1, 2001]: **Sec. 7. (a) Subject to subsection (b), if, at the time of
 37 delivery, there is no written evidence that a standard serological
 38 test for HIV has been made in accordance with section 5 or 6 of
 39 this chapter, the individual in attendance at the delivery shall take
 40 or cause to be taken a sample of the blood of the woman at the time
 41 of the delivery and shall submit the sample to an approved
 42 laboratory for a standard serological test for HIV.**

43 (b) A pregnant woman has a right to refuse an HIV test under
 44 this section. The individual in attendance at the delivery shall
 45 inform the pregnant woman that:

46 (1) the individual is required by law to order an HIV test
 47 unless the pregnant woman refuses; and

48 (2) the pregnant woman has a right to refuse.

1 (c) The individual in attendance at the delivery shall:

2 (1) provide the pregnant woman with a description of the
3 methods of HIV transmission;

4 (2) discuss risk reduction behavior modifications with the
5 pregnant woman, including methods to reduce the risk of
6 perinatal HIV transmission and HIV transmission through
7 breast milk;

8 (3) provide the pregnant woman with referral information to
9 other HIV prevention, health care, and psychosocial services;
10 and

11 (4) explain to the pregnant woman:

12 (A) the purpose of the test; and

13 (B) the risks and benefits of the test.

14 (d) The individual in attendance at the delivery shall document
15 in the pregnant woman's medical records that the pregnant woman
16 received the information required under subsections (b) and (c).

17 (e) If a pregnant woman refuses to consent to an HIV test under
18 this section, the refusal must be noted in the pregnant woman's
19 medical records.

20 (f) If a test ordered under subsection (a) is positive, the
21 individual in attendance at the delivery shall inform the woman of
22 all treatment options available to her and the prognostic
23 implications of the disease.

24 (g) The confidentiality provisions of IC 16-41-2-3 apply to this
25 section.

26 (h) The results of a test performed under this section are
27 confidential.

28 SECTION 10. IC 16-41-6-8 IS ADDED TO THE INDIANA CODE
29 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
30 1, 2001]: Sec. 8. (a) The state department shall require, on the
31 confidential portion of each birth certificate and stillbirth
32 certificate, in addition to the information otherwise required to be
33 included on the certificate, the following information:

34 (1) Whether a serological test for HIV was performed for the
35 woman who bore the child.

36 (2) If a serological test for HIV was performed, the date the
37 blood specimen was taken.

38 (3) If a serological test for HIV was performed, whether the
39 test was performed during pregnancy or at the time of
40 delivery.

41 (4) If a serological test for HIV was not performed, the reason
42 why the test was not performed.

43 (b) An individual who prepares a birth certificate or a stillbirth
44 certificate shall include the information required in subsection (a)
45 on the confidential portion of the certificate.

46 SECTION 11. IC 16-41-6-9 IS ADDED TO THE INDIANA CODE
47 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
48 1, 2001]: Sec. 9. (a) The state department shall:

- 1 **(1) prepare written materials that:**
- 2 **(A) are based on the most current information available**
- 3 **from the federal Centers for Disease Control (CDC) and**
- 4 **Prevention; and**
- 5 **(B) explain the treatment options available to an individual**
- 6 **who has a positive test for HIV; and**
- 7 **(2) distribute the materials prepared under subdivision (1) to**
- 8 **physicians and other individuals who are allowed by law to**
- 9 **attend a pregnant woman.**
- 10 **(b) The state department shall update and distribute the**
- 11 **materials described in subsection (a) at least one (1) time every two**
- 12 **(2) years.**
- 13 SECTION 12. THE FOLLOWING ARE REPEALED [EFFECTIVE
- 14 JULY 1, 2001]: IC 16-18-2-290.5; IC 16-41-6-2.5".
- 15 Renumber all SECTIONS consecutively.
- (Reference is to EHB 1207 as printed April 6, 2001.)

Senator MILLER